

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES POHUTSKI,

Plaintiff,

Case No. 1:13-cv-28

v.

HON. JANET T. NEFF

CORIZON HEALTH, et al.,

Defendants.

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**ORDER**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants Ouellette and Milliner filed a Motion to Dismiss and Alternative Motion for Summary Judgment (Dkt 14). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on November 14, 2013, recommending that this Court grant Defendants' motion for summary judgment; Plaintiff's claims against Defendant Galabert<sup>1</sup> be dismissed for failure to timely effect service; and this matter be terminated. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (Dkt 15) is APPROVED and ADOPTED, with the correction noted above, as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment (Dkt 14) is GRANTED.

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<sup>1</sup>The Report and Recommendation refers to Defendant Galabert as Defendant "Gelabert".

**IT IS FURTHER ORDERED** that Plaintiff's claims against Defendant Galabert are DISMISSED WITHOUT PREJUDICE for failure to timely effect service, and this matter is TERMINATED.

A Judgment will be entered consistent with this Order.

Dated: December 12, 2013

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge